

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Granite Rock Company,

NO. C 04-02767 JW

Plaintiff,

**ORDER GRANTING PLAINTIFF'S
MOTION FOR A REVIEW OF THE
CLERK'S TAXATION OF COSTS**

v.

Teamsters Local 287 International
Brotherhood, et al.,

Defendants.

This is an action by Granite Rock Company ("Plaintiff") against Teamsters Local 287 ("Defendant") for breach of a Collective Bargaining Agreement pursuant to Section 301(a) of the Labor Management Relations Act, 29 U.S.C. §185(a). The Court bifurcated for separate determination the issue of whether the Tentative Agreement had been ratified. The issue of ratification was tried to a jury. On May 3, 2007, the jury returned its verdict as follows: on July 2, 2004, a vote was taken by the employees of Granite Rock's San Jose Concrete facility, who were members of Local 287. A majority of the employees voted to accept the Tentative Agreement. On the basis of the jury verdict, the Court entered an interlocutory judgment against Defendant. (See Docket Item No. 325.)

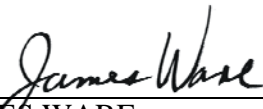
Following the verdict, Plaintiff submitted a bill of costs to the Clerk of Court. (See Docket Item No. 330.) Defendant objected to \$14,085 billed for the costs of videotaped depositions. The Clerk disallowed these charges. (See Docket Item No. 336.) Presently before the Court is Plaintiff's Motion for a Review of the Clerk's taxation of costs. (See Docket Item No. 338.)

1 Specifically, Plaintiff contends that the costs of deposition videotapes are allowable under Civil
2 Local Rule 54-3(c)(1).

3 Civil Local Rule 54-3(c)(1) provides “the cost of an original and one copy of any deposition
4 (including videotaped depositions) taken for any purpose in connection with the case is allowable.”
5 Defendant rely on Commercial Credit Equip. Corp. v. Stamps, 920 F.2d 1361 (7th Cir. 1990), for the
6 proposition that “The Local Rule expressly allows recovery of the cost of an original and one copy
7 of a videotape of the deposition, or the cost of a conventional stenographic transcript of a deposition,
8 but not both.” (Defendant’s Opposition to Motion for Review of Taxation of Costs at 2, Docket
9 Item No. 351.) Stamps is a Seventh Circuit case that does not interpret the Civil Local Rules of the
10 Northern District of California. The Court finds that the explicit inclusion of videotaped depositions
11 in Rule 54-3(c)(1) means that the cost is recoverable. The rule does not limit the recovery to either a
12 written transcript or a videotape.

13 Accordingly, the Court GRANTS Plaintiff’s motion for review of the Clerk’s Taxation of
14 Costs. The Clerk shall tax \$14,085 in videotape deposition expenses against Defendant.

15
16 Dated: July 7, 2008



JAMES WARE
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

Adam James Peters apeters@littler.com
Alan Sam Levins alevins@littler.com
Duane B. Beeson dbeeson@beesontayer.com
Kimberly Lynn Owens kowens@littler.com
Lisa Win-Ning Pau lpau@beesontayer.com
Peder J. Thoreen pthoreen@altshulerberzon.com
Peter David Nussbaum pnussbaum@altshulerberzon.com
Rebekah B. Evenson revenson@altshulerberzon.com

Dated: July 7, 2008

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy